

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | NO. CR 02-0078Z |
| |) | |
| Plaintiff, |) | ORDER |
| v. |) | CONTINUING TRIAL DATE AND |
| |) | EXTEND TIME FOR FILING |
| MATTHEW PETERS, |) | PRETRIAL MOTIONS |
| |) | |
| Defendant. |) | |
| _____ |) | |

The Court, having conducted a status conference with counsel, and based upon a review of the records and files herein, this Court FINDS and RULES as follows:

The defendant, MATTHEW PETERS, has been charged in a five-count Superseding Indictment, which charges him with drug-related crimes. One of the charges carries a mandatory minimum term of incarceration of ten years and, because PETERS has a prior drug conviction, the mandatory minimum term of incarceration could be increased to twenty years.

On September 21, 2005, PETERS was arrested on a provisional arrest warrant, requested by the United States Department of Justice and the State Department, and issued by Panamanian authorities. On October 6, 2005, PETERS waived extradition and agreed to turn himself over voluntarily to the United States authorities. On November 17, 2005, he made his first appearance in this District. Trial is currently set for April 24, 2006.

1 The parties have jointly moved for a continuance of the trial date. As grounds
2 therefore, the parties have cited the unusual age and nature of the case, including that the
3 substantive charges involve conduct from 1999. Because of the age and nature of the
4 case, defense investigation of the charges and the development of defense theories, will
5 be more complicated and time-consuming than in other cases, as, for example, witnesses
6 may not be easily located and reconstruction of the events will be more difficult.

7 In addition, counsel has represented that the defendant will execute an effective
8 waiver of his rights under the Sixth Amendment and the Speedy Trial Act, Title 18,
9 United States Code, Sections 3161-3174, which shall include the agreement that the
10 period from the date of this Court's Order until the new trial date of
11 June 19, 2006, shall be an excludable period of time pursuant to Title 18, United States
12 Code, Section 3161(h)(8)(A).

13 It therefore appearing to the Court that it would be unreasonable to expect
14 adequate preparation for pretrial proceedings and for the trial itself without a
15 continuance, even with diligent and good faith efforts by counsel to prepare for trial, and
16 it further appearing that the ends of justice served by granting the requested continuance
17 outweigh the interest of the public and the defendant in a speedy trial,

18 IT IS ORDERED that the trial date be continued from April 24, 2006, until
19 June 19, 2006.

20 IT IS FURTHER ORDERED that the period of delay from the date of this Order,
21 until June 19, 2006, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for the
22 purpose of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C.
23 Sections 3161-3174.

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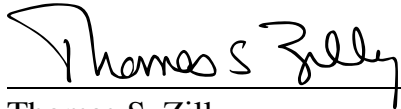
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1 IT IS FURTHER ORDERED that the defendant shall file any pretrial motions by
2 May 8, 2006, and that the Government shall respond within fourteen days after the
3 motions are filed, by May 22, 2006.

4 DATED this 31st day of March, 2006.

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7 Thomas S. Zilly
8 United States District Judge
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11 Presented by:

12
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